

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

CARLA GERICKE,

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Plaintiff

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v.

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Case No: 1:11-cv-00231-SM

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TOWN OF WEARE, et al.,

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Defendants.

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ASSENTED-TO MOTION FOR LEAVE TO EXCEED 25-PAGE LIMIT
FOR MEMORANDUM IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT
TO 35 PAGES

NOW COME all Weare Police Defendants, by their counsel, Gallagher, Callahan & Gartrell, PC, and respectfully request leave to file memoranda supporting Defendants' Motion for Summary Judgment that exceed twenty-five (25) pages to thirty-five (35) pages, and say as follows:

1. Plaintiff has asserted thirty-two (32) federal and state law claims against the Defendants stemming from her arrest on March 25, 2010. Plaintiff's claims are:

Count I: Malicious Prosecution – 4th Amendment;

Count II: Illegal Seizure and Excessive Force – 4th Amendment;

Count III: Illegal Search – 4th Amendment;

Count IV: Illegal Seizure and Retention of Property – 4th Amendment;

Count V: Illegal Search of Camcorder – 4th Amendment;

Count VI: Illegal Search and Seizure of Motor Vehicle – 4th Amendment;

Count VII: Free Speech – 1st Amendment;

Count VIII: Freedom of Press – 1st Amendment;

Count [9] VIX [sic]: Freedom of Assembly – 1st Amendment;

Count X: Malicious Prosecution – NH Constitution;

Count XI: Illegal Seizure – NH Constitution;

Count XII: Illegal Search – NH Constitution;

Count XIII: Illegal Seizure and Retention of Camcorder – NH Constitution;

Count XIV: Illegal Search of Camcorder – NH Constitution;

Count XV: Illegal Search and Seizure of Motor Vehicle – NH Constitution;

Count XVI: Freedom of Speech – NH Constitution;

Count XVII: Freedom of Press – NH Constitution;

Count XVIII: Freedom of Assembly – NH Constitution;

Count XIX: Malicious Prosecution – Common Law;

Count XX: Intentional Infliction of Emotional Distress – Common Law;

Count XXI: False Imprisonment – Common Law;

Count XXII: Trespass to Chattel – Common Law;

Count XXIII: Conversion of Camcorder – Common Law;

Count XXIV: Conversion of Contents of Camcorder – Common Law;

Count XXV: Assault – Common Law;

Count XXVI: Battery – Common Law;

Count XXVII: Vicarious Liability – Common Law;

Count XXVIII: Vicarious Liability – Common Law;

Count [29] XXVIX [sic]: Vicarious Liability – Common Law;

Count XXX: Negligent Training and Supervision – Common Law;

Count XXXI: Negligent Training and Supervision – Common Law; and

Count XXII: Negligent Training and Supervision – Common Law.

2. To properly address all factual and legal issues of Plaintiff's federal and state claims in a Motion for Summary Judgment, Defendants will need ten (10) additional pages over the customary 25 page memorandum limit.

3. Stephen T. Martin, counsel for Plaintiff, has assented to the relief requested herein.

4. No memorandum of law is required because the relief requested is within the sound discretion of the Court.

WHEREFORE, the Defendants respectfully request that this Honorable Court:

- A. Grant leave to file a memorandum in support of summary judgment that is no more than 35 pages in length; and
- B. Grant any other such relief as may be just.

Respectfully submitted,

**TOWN OF WEARE, NH;
WEARE POLICE CHIEF GREGORY C.
BEGIN; WEARE POLICE LIEUTENANT
JAMES J. CARNEY; WEARE POLICE
SERGEANT JOSEPH KELLEY, WEARE
POLICE OFFICER BRANDON
MONTPLAISIR, Individually and Officially**

By Their Attorneys,
**GALLAGHER, CALLAHAN &
GARTRELL, P.C.**

January 31, 2012

/s/ Charles P. Bauer

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CERTIFICATE OF SERVICE

I, Charles P. Bauer, hereby certify that a copy of the foregoing was sent this date via ECF to Plaintiff's counsel, Stephen T. Martin, Esquire (NH Bar #15697) and Seth J. Hipple, Esquire (NH Bar # 19555).

January 31, 2012

/s/ Charles P. Bauer

Charles P. Bauer, Esq. (NH Bar #208)